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U.S. Department of Justice

United States Attorney
Southern District of New York

MEMO ENDORSED

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

August 24, 2021

BY ECF

The Honorable Valerie E. Caproni
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Rascarmi Gallimore, 15 Cr. 537 (VEC)*

Dear Judge Caproni:

The Government writes regarding proceedings relating to Rascarmi Gallimore's alleged violation of the conditions of his supervised release. Since receiving the Probation Office's specifications, and since the originally scheduled conference in March of this year, the Government has continued to confer with the Assistant District Attorney for the Bronx District Attorney's Office currently handling the state charges against Gallimore and others. The Government received a copy of the criminal complaint against Gallimore, previously submitted to the Court, and has confirmed that Gallimore and his codefendants have been indicted in state court.

As of July 7, 2019, the Government had understood from the assigned ADA that the Bronx case is proceeding, and that motions were likely to be filed in the state case seeking the suppression of evidence. Based on communications with the assigned ADA, the Government had understood that the state court original conference date had been adjourned to August 19, 2021, and that motions in Gallimore's state case were still expected, though not yet filed. As of today, Gallimore's state docket reflects that the August 19, 2021 case has been adjourned on the state court calendar until November 9, 2021. Although the Government has not yet heard from the ADA regarding what proceedings she anticipates on that date, the ADA had previously anticipated a ruling on any pretrial motions at the time of the previously scheduled August 19 conference.

The Government respectfully requests that the Court adjourn the currently scheduled conference to a date after November 9, 2021. The Government expects that a resolution of the federal supervised release allegations may be aided by additional proceedings and clarity in the state proceedings. The Government has conferred with defense counsel for Gallimore, who concurs in this request.

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As previously noted, the defendant's term of supervision expired on March 20, 2021, but the Court has and will maintain jurisdiction to adjudicate the alleged violations because the Court's summons issued on the basis of those allegations prior to expiration. *See* 18 U.S.C. § 3583(i) ("The power of the court to revoke a term of supervised release for violation of a condition of supervised release, and to order the defendant to serve a term of imprisonment and . . . a further term of supervised release, extends beyond the expiration of the term of supervised release for any period reasonably necessary for the adjudication of matters arising before its expiration if, before its expiration, a warrant or summons has been issued on the basis of an allegation of such a violation.").

Respectfully submitted,

AUDREY STRAUSS

United States Attorney

By: /s/ Andrew C. Adams
Andrew C. Adams
Assistant United States Attorney
(212) 637-2340

cc: Renato Stabile, counsel to the defendant (by ECF)

Application GRANTED. The hearing is adjourned to **November 17, 2021 at 10:00 a.m.** The hearing will take place in person in Courtroom 443. The parties must submit a joint status update by **November 10, 2021.**

SO ORDERED.



HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

8/25/2021